IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

WP(C).No. 33409 of 2006(B)

AGAINST THE ORDER IN IA 4540/06. 4631/06 IN
OPIP.3/1999 of PRL.SUB COURT,TRIVANDRUM

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PETITIONER:

SILVESTER DE JOHN, S/O.P.J.JOSEPH,
RESIDING AT `KINARA', CRA-98, CHOOZHAMPALA,
MUKKOLA P.O., THIRUVANANTHAPURAM-44 FROM
T.C.5/1956/1.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA
SRI.R.S.MADHU

RESPONDENTS:

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1. OFFICIAL RECEIVER,
DISTRICT COURT, VANCHIYOOR, THIRUVANANTHAPURAM.

2. STANTLEY JOHNS BETHEL PANAMVILA,
NALANCHIRA P.O., TRIVANDRUM.

3. VAMAN,
SARASWATHI VIHAR, AMBALAMUKKU, TRIVANDRUM.

4. SASI,
PACKING SECTION, HINDUSTAN LATEX LIMITED,
PEROORKADA.

5. K.R.VALSA,
T.C.11/189, THARAYIL HOUSE, RAMAPURAM LANE,
N.C.C.ROAD, PEROORKARA, TRIVANDRUM.

6. ARUN KUMAR,
SAI BHAVAN, PETTAH, TRIVANDRUM.

7. ABRAHAM VARGHESE,
K.P.10/469, KOTTAKAL, N.C.C. ROAD, TRIVANDRUM-5.

8. SREEKALA MOHAN,
TC.4/1342(A), BIJU VIHAR, AMBALAMUKKU,TRIVANDRUM.

9. DIVYA ASSOCIATES,
T.K.D. ROAD, MUTTADA, TRIVANDRUM.

10. RAHIM M.A.,
ANSHAD MANZIL, N.C.C.ROAD, PEROORKADA, TRIVANDRUM.

11. JOSE V.P.,
14/684(B), MANNAMTHALA, TRIVANDRUM.

12. SOBHANA KUMAR,
SOBHANA MANDIRAM, SHION VILLA, URIYAKODE P.O.

13. MOLLY K.P.,
10/469, N.C.C. ROAD, PEROORKADA, TRIVANDRUM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.33409 OF 2006

DATED THIS THE 20th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is challenging Ext.P6 order passed by Insolvency Court. Under Ext.P6 order, a petition filed by petitioner herein to set aside the sale conducted by official receiver was dismissed. It is an order passed by Insolvency Court as provided under Section 72 of Insolvency Act. An appeal, shall lie against such an order under Section 79 of the Act. As petitioner has a substantive right of appeal, Ext.P6 order cannot be interfered in exercise of the extraordinary jurisdiction of this Court under Article 227 of Constitution of India.

This petition is dismissed with liberty to petitioner to prefer an appeal.

M.SASIDHARAN NAMBIAR,JUDGE

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